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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-100-1915.5; 16 VAC 25-100-1915.505; and 16 VAC 25-100-1915.507
Regulation title	Fire Protection in Shipyard Employment
Action title	Direct Final Rule Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment
Final agency action date	December 6, 2006
Document preparation date	December 21, 2006

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

On September 15, 2004, federal OSHA promulgated a new fire protection rule for shipyard employment that incorporated by reference 19 National Fire Protection Association (NFPA) standards. Ten of those NFPA standards had been updated by NFPA since the fire protection rule was proposed and an additional NFPA standard has been updated since the final rule was published.

In this direct final rule, federal OSHA has replaced the references to those eleven NFPA standards by adding 10 of the most recent versions. There are only 10 NFPA standards replacing eleven NFPA standards because the NFPA combined two of its standards, NFPA 11-1998 and NFPA 11A-1999, into the NFPA 11-2002 standard covering foam fire extinguishing systems.

The sections amended by this direct final rule include the following: §§1915.5, Incorporation by

reference; 1915.505 (e)(3)(v), Fire response; and 1915.507 (b)(1), (b)(2), (c)(6), (d)(1), (d)(2), (d)(3) and (d)(5), Land-side fire protection system.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 6, 2006, the Safety and Health Codes Board adopted federal OSHA's direct final rule, Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment, with an effective date of March 15, 2007.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will have no impact on the institution on the institution of the family and family stability.

**Updating National Consensus Standards in OSHA's Standard for Fire Protection
in Shipyard Employment; Direct Final Rule**

As Adopted by the
Safety and Health Codes Board

Date: December 6, 2006



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: March 15, 2007

16 VAC 25-100-1915.5, Incorporation by Reference
16 VAC 25-100-1915.505, Fire Response
16 VAC 25-100-1915.507, Land-side Fire Protection System

When the regulations, as set forth in the direct final rule for Updating National Consensus Standards in OSHA’s Standard for Fire Protection in Shipyard Employment, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

January 16, 2007

March 15, 2007

Amendments To Standards

■ OSHA amends Part 1915 of Title 29 of the Code of Federal Regulations as set forth below:

■ 1. The authority citation for Part 1915 continues to read as follows:

Authority: Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), or 5-2002 (67 FR 65008) as applicable; 29 CFR Part 1911.

■ 2. Amend § 1915.5 to revise paragraphs (d)(4)(i), (vi) through (x), and (xiii) through (xviii) and by removing paragraph (d)(4)(xix) to read as follows:

§ 1915.5 Incorporation by reference.

* * * * *

(d) * * *

(4) * * *

(i) NFPA 1981-2002 Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services, IBR approved for 1915.505(e)(3)(v).

* * * * *

(vi) NFPA 10-2002 Standard for Portable Fire Extinguishers, IBR approved for §§ 1915.507(b)(1) and (b)(2).

(vii) NFPA 14-2003 Standard for the Installation of Standpipe and Hose Systems, IBR approved for §§ 1915.507(b)(2) and (d)(1).

(viii) NFPA 72-2002 National Fire Alarm Code, IBR approved for § 1915.507(c)(6).

(ix) NFPA 13-2002 Standard for the Installation of Sprinkler Systems, IBR approved for § 1915.507(d)(2).

(x) NFPA 750-2003 Standard on Water Mist Fire Protection Systems, IBR approved for § 1915.507(d)(2).

* * * * *

(xiii) NFPA 11-2005 Standard for Low-, Medium-, and High-Expansion

Foam, IBR approved for § 1915.507(d)(3).
 (xiv) NFPA 17–2002, Standard for Dry Chemical Extinguishing Systems, IBR approved for § 1915.507(d)(4).
 (xv) NFPA 12–2005, Standard on Carbon Dioxide Extinguishing Systems, IBR approved for § 1915.507(d)(5).
 (xvi) NFPA 12A–2004, Standard on Halon 1301 Fire Extinguishing Systems, IBR approved for § 1915.507(d)(5).
 (xvii) NFPA 2001–2004, Standard on Clean Agent Fire Extinguishing Systems, IBR approved for § 1915.507(d)(5).
 (xviii) NFPA 1403–2002, Standard on Live Fire Training Evolutions, IBR approved for § 1915.508(d)(8).

■ 3. Amend § 1915.505 to revise paragraph (e)(3)(v) to read as follows:

§ 1915.505 Fire response.

* * * * *
 (e) * * *
 (3) * * *
 (v) Provide only SCBA that meet the requirements of NFPA 1981–2002 Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services (incorporated by reference, see § 1915.5); and
 * * * * *

■ 4. Amend § 1915.507 to revise paragraphs (b)(1), (b)(2), (c)(6), (d)(1), (d)(2), (d)(3), and (d)(5) to read as follows:

§ 1915.507 Land-side fire protection system.

* * * * *
 (b) * * *
 (1) The employer must select, install, inspect, maintain, and test all portable fire extinguishers according to NFPA 10–2002 Standard for Portable Fire Extinguishers (incorporated by reference, see § 1915.5).
 (2) The employer is permitted to use Class II or Class III hose systems, in accordance with NFPA 10–2002 (incorporated by reference, see § 1915.5), as portable fire extinguishers if the employer selects, installs, inspects, maintains, and tests those systems according to the specific recommendations in NFPA 14–2003 Standard for the Installation of Standpipe and Hose Systems (incorporated by reference, see § 1915.5).
 (c) * * *
 (6) Select, install, inspect, maintain, and test all automatic fire detection systems and emergency alarms according to NFPA 72–2002 National Fire Alarm Code (incorporated by reference, see § 1915.5)
 (d) * * *
 (1) Standpipe and hose systems according to NFPA 14–2003 Standard

for the Installation of Standpipe and Hose Systems (incorporated by reference, see § 1915.5);
 (2) Automatic sprinkler systems according to NFPA 25–2002 Standard for the Inspection, Testing, and Maintenance of Water-based Fire Protection Systems, (incorporated by reference, see § 1915.5), and either (i) NFPA 13–2002 Standard for the Installation of Sprinkler Systems (incorporated by reference, see § 1915.5), or (ii) NFPA 750–2003 Standard on Water Mist Fire Protection Systems (incorporated by reference, see § 1915.5);
 (3) Fixed extinguishing systems that use water or foam as the extinguishing agent according to NFPA 15–2001 Standard for Water Spray Fixed Systems for Fire Protection (incorporated by reference, see § 1915.5) and NFPA 11–2005 Standard for Low-, Medium-, and High-Expansion Foam (incorporated by reference, see § 1915.5);
 * * * * *
 (5) Fixed extinguishing systems using gas as the extinguishing agent according to NFPA 12–2005 Standard on Carbon Dioxide Extinguishing Systems (incorporated by reference, see § 1915.5); NFPA 12A–2004 Standard on Halon 1301 Fire Extinguishing Systems (incorporated by reference, see § 1915.5); and NFPA 2001–2004 Standard on Clean Agent Fire Extinguishing Systems (incorporated by reference, see § 1915.5).

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